PETITIONS OF WESTERN VIRGINIANS TO THEIR GENERAL ASSEMBLY IN RICHMOND

An Humble Petition to West Virginians to Make, in Their Research Projects, More Frequent Use of the Official Records of the Era When They, Too, Were Virginians

By W. Edwin Hemphill

I feel honored indeed by the privilege of being with you, of participating in this annual meeting of your Society, and of bringing to you a message that is cordial. You will understand, I feel sure, the good humor with which I might exclaim, "Twas not ever thus!" The tidings brought to your ancestors by officeholders of the Commonwealth of Virginia a century or more ago were not invariably classified as good news. Just one or two generations ago your nearest counterparts' invitation to my nearest counterpart, if any such invitation had been issued at all, might not have been dispatched with equal spontaneity and casualness. And, I guess, it might not have been answered without some prudent thought having been given to the question how a "government man" from Eastern Virginia was likely to be received. But I assure you that such reflections did not enter my mind, as, I'm sure, they did not occur to any of you. Ever since I shared the many experiences of college days on a Virginia campus with scores of young men who were unfailingly quick to give evidence of their pride in West Virginian nativity, I have had friends over here. I rejoice that I live in these later and better days when Virginians from both sides of the mountains remember the centuries of their common heritage and of their unity more pointedly than they recall the few decades in which their relationships were strained. And do we not agree that those strains were caused not only by our own faults but also by outside pressures beyond our control? Now that I have bowed properly but sincerely to the amenities, let me hasten to other thoughts.

In such centers of your colonial and former state governments as Williamsburg and Richmond, I report as a simple matter of fact, it has become almost commonplace to discover

any week that another historian has gone to the British Isles to find some more records concerning our colonial ancestors. The migration has been enlarged recently under the stimulus of federal and Virginian activities preparatory to the celebration in 1957 of the three hundred and fiftieth anniversary of the founding at Jamestown of what was at first a precarious outpost of British civilization and free enterprise. Several agencies have dispatched these searchers. The resultant survey reports are beginning to fill my office's files in the Virginia State Library. It is necessary, of course, to send investigators to Great Britain because the manuscript records they seek either were quite properly written and retained there or were written here and were quite properly sent there for preservation. Not once yet, however, have I heard of the British sending anyone to Virginia to let us know what records of the youthful days of the Old Dominion are available in archives across the Atlantic.

In contrast, I am happy to be able to bring to you a report of that sort. Although the distance involved is not equally impressive, the situation is a corresponding one. Just as London was the chief center from which the government of Virginia was administered during the colonial period, Richmond was the fountainhead of the orderly processes of civil control under which Western Virginians lived for more than eight decades before they became West Virginians and established a new capital west of the Alleghenies. In Richmond various public servants kept records; to Richmond various local public servants and private citizens sent records. Fortunately, practically all of these official archives of the Commonwealth of Virginia have survived bureaucratic and other hazards; they are preserved in the Virginia State Library. Fortunately, too, but not merely as the result of chance, they are arranged in intelligible order and are made available to research workers. They constitute a considerable body of information about both Eastern Virginians and Western Virginians. I believe that both you and I can well show more interest in these manuscript records than we have yet done.

I confess, of course, that historians who have lived and worked in Eastern Virginia have usually been inclined to slight Western

Virginia. Many of them, both before and after 1863, have fallen victim to an intellectual myopia, subtle but pervasive, that has kept a substantial part of their commonwealth out of focus; they have failed to see it as a whole. I am glad to say that I see some signs in the profession that this disease is not as rampant today as it was in our yesteryears.

From the statewide viewpoint, my judgment of Western Virginia historians is scarcely more favorable, although I am grateful for the projects of their labors. For reasons so natural as to have been almost inescapable, they have tended to become absorbed in the evolution of distinctive elements in Western Virginia; these writers, too, have failed to see in its entirety the unity that was maintained so long. Charles Henry Ambler's faculty positions near Richmond in his youth and west of the mountains in later years afforded him access to materials others had not consulted, and his books offer us today more insight into ante-bellum Virginia than those of any other writer; but most of his books emphasize sectionalism within the commonwealth or deal with men like Thomas Ritchie and Francis H. Pierpont whose significance had sectional implications. So, you see, I agree with a general verdict: the first comprehensive history of Virginia worthy of praise in terms of standards of modern scholarship is yet to be published. I hasten to add that you have distinctly better state histories written within this century than does Virginia.

Even if our interest is purely local, however, we cannot justifiably ignore the wealth of information that is to be found in Virginia's official archives. Consider how vital these manuscripts are to us even from this narrower viewpoint. They do not include the records of the county courts of Western Virginia; those records were never sent to Richmond. But the archives in Richmond do include, for example, records of the state Land Office. Grants to Western Virginians, indexed by Edgar B. Sims, enable us to ascertain many details about where and under what circumstances our ancestors settled or acquired real estate.

Another valuable series of official data, precise and detailed in their nature, is to be found in the personal property tax books transmitted under Virginia law from each county to

Richmond. What items were subject to taxation varied from time to time; after the War of 1812 even such things as the pictures hanging on our forefathers' walls were subject to enumeration and appraisal. Taxpayers were generally required to declare the number and value of their carriages, livestock, and slaves; and often the record enables one to trace through year after year changes in a taxpayer's wealth. Frequently, as in the instance of the possessions of Thomas Jefferson at "Monticello,"[1] there is to be found nowhere else any equally well itemized inventory of the furnishings of a given home.

The papers of Virginia's Board of Public Works and of the Railroad Commission include a wide range of miscellaneous information related to the building of big and little canals, turnpikes, and railroads. In the Richmond archives, also, are numerous manuscripts pertaining to an ultimate legacy of the internal improvements program, the protracted debt controversy between Virginia and West Virginia. There are some records of elections. One of these, for example, reveals the fact that Harman Blennerhassett voted for Thomas Jefferson a short while before that President gave his blessing to the vigorous prosecution of Blennerhassett for treason. Citizens in every part of the commonwealth could dash off a letter to the Governor, and many of them did; their communications, thousands of them, are available to those who would learn today of the nearly infinite reasons that could prompt—or even provoke—such letters.

The Virginia State Library also preserves significant manuscripts pertaining to Lord Dunmore's war against the Indians, the trial of John Brown for having made war against the peace and security of Virginians, and the "restored" government of Virginia under Francis H. Pierpont. The official documents in such collections of manuscripts are sometimes supplemented by items that are unofficial in nature. And many who use the resources in Richmond are pleasantly astonished to find convenient access there to official papers of other governments—to certain federal census records, among others that would fall into this category. These permit one to learn, for instance, that

[1] W. Edwin Hemphill, "Thomas Jefferson and His Personal Property Taxes: An Inventory of the Furnishings of 'Monticello,'" *Virginia Cavalcade*, vol. I, no. 4 (Spring, 1952), pp. 18-19.

in 1860 there were in Hampshire County thirteen church buildings of named denominations capable of seating 2,800 worshipers. The county also had fourteen schools attended by 260 pupils. These schools were financed, in part, from public funds aggregating $380 in that year. Such cursory comments serve to suggest in only the barest outline the richness of the resources in Richmond that are awaiting exploitation. A more leisurely exploration through certain sections of yet another lode in this mine should make our comprehension of its wealth a bit more adequate.

Deep in the official archives of Virginia, but readily accessible, is a mammoth body of manuscripts known as the Legislative Petitions. These papers would be important, if for no other reason, because they demonstrate the vitality of an oft proclaimed and zealously guarded right to which our ancestors have been clinging almost ever since they began to develop representative government. An early article in their political creed was their insistence that any man could petition his legislators in regard, one is tempted to say, to any grievance or desire whatsoever that he might happen to have. When one adds to this faith Americans' characteristic reliance upon the panacea that proclaims, "There ought to be a law," the results can be—and usually are—remarkable. Certainly the tens of thousands of petitions received by the General Assembly of Virginia in colonial and later days justify that adjective. And if any of you doubt the effectiveness of such petitions, I prescribe as an antidote for that poisonous notion a study of the way in which Baptists, Presbyterians, and others used this weapon in the several distinct campaigns of the warfare by which they won Virginia's release from the dominance of an established church and added to the right of petition the right of religious freedom.

The petitions sent by Virginians to their General Assembly are filed by counties and in chronological order. Such pleas from the earliest residents of the area now included in West Virginia are to be found, therefore, among petitions from such present and extinct Virginia counties as Augusta, Bath, Botetourt, Fincastle, Frederick, Giles, Montgomery, Rockingham, Tazewell, and Wythe. It would obviously be difficult, if not

impossible, to determine how many of these reflect conditions to the west of the later boundary between Virginia and West Virginia. But work done recently by members of the staff in the Archives Division of the Virginia State Library enables me to reveal to you some statistics not previously known. My colleagues have counted 5,533 dated petitions from fifty-one Virginia counties that existed before 1863 and lay west of the Virginia of today. From Hampshire County, formed in 1754, the Virginia General Assembly received 340 petitions; from Harrison County, formed thirty years later, 535; from McDowell and Roane Counties, each formed in the latter half of the decade of the 1850's, two each. Only three of the fifty Virginia counties embodied in West Virginia are not represented as distinct units in the collection; these three—Clay, Tucker, and Webster—were latecomers set apart during 1856-1860. Each county averaged, I calculate, the submission of almost three petitions in every year of its existence. A compilation publishing for the first time the specific count for each county is appended.[2]

I have not examined each of these thousands of petitions, but I can assure you that their contents are wonderfully varied. Some are brief, almost informal, but touchingly direct. Some fill many sheets of paper and are rather inclined to verbosity of legal language. Some were penned by the semiliterate, others by people of much education who had and took time to express themselves well; but in both types modern readers can discover effective writing that warms or rends the heart, that quickens one's pulse with righteous indignation or with relaxing amusement. Some of the petitions were written by only one individual each and purely on his own initiative; others resulted from outraged or hopeful sentiments shared by a dozen or a score of neighbors; others were signed by hundreds and reflected the results of the labors of crusaders and other manufacturers of public opinion on a scale larger than the limits of any one county.

Many include material and information valuable today for reasons not identical with the purposes of the petitioners. A petition from Tyler County received in 1815, for example, presented a manuscript map of the "outlines" of the county, its streams,

[2] See pp. 114-118.

"and some noted interior places"; in other words, the sketch shows the location of a gristmill and of a blacksmith's shop. An 1852 petition from Upshur County may be more significant to us today because it mentioned Adam Carper's mill than because it pleaded for the construction of a bridge across the Buckhannon River at or near that mill. Some modern investigators may not care to trace the fate of the petition of Cato Moore of Berkeley County in 1786 for land to which he felt himself entitled because he was a war veteran; to them the important thing is that Moore's petition recounts his military service during 1777-1778 as a Lieutenant in Colonel William Grayson's regiment and reveals the fact that Moore was wounded in the battle beside the Brandywine. To me the postponement of forced sales urged by forty-nine citizens of Upshur County early in 1861 seems less meaningful than their assertion that "the alarming state of affairs now agitating the whole country" had caused property of all kinds to depreciate "more than one half."

Some petitions that asked for bread were answered, we can learn from other records, with stones. Others—like the plea made by one Francis Thomas of Tyler County in 1815 for relief from circumstances that had beclouded his title to certain lands—were endorsed with the name of the legislative committee to which they were referred, were pronounced "Reasonable," and received some such final notation as "Bill drawn."

The petitions abound in human interest and go straight to the heart of issues that were important to the petitioners, at least, if not to all of us today. John Peyton of Cabell County, for example, asked in 1845 for a bill of divorce from his wife, the former Delilia Sheff. His recital of the shipwreck of their marriage alleged "that for some time they lived together in the enjoyment of peace and happiness, as much so as usually falls to the lot of mortals in this life." But the husband "in the prosecution of his business was called to an adjoining county." When he returned, within two years, he found that his wife had left his home and had gone to that of her parents. She refused to live with him again, moved with her parents to Arkansas, "and of course has entirely deserted your petitioner." Or, as another example of the human interest implicit in many petitions, consider the plight of the twelve inhabitants

of Tyler County who complained in 1815 that their county "is destitute of ordained ministers of the gospels to Celebrate the rights of matrimony, except one that lives in an extreme part of the County." This not uncommon situation created difficulties for those who wanted to be married properly.[3] The not unprecedented remedy that was sought was a law to permit the county court to appoint two or more "fit" laymen to perform the ceremony.

This characteristic element of human interest can be viewed also from the other point of vantage or disadvantage. How would you have felt if you had been in 1852 a member of the legislative committee to which were referred three documents from residents of Buckhannon urging and denouncing the proposed incorporation of their town? You would doubtless have noticed a complicating factor. Five of these citizens who had first signed a remonstrance against the proposal subscribed their names a few days later to a petition in which they took their stand on the opposite side of this exciting local question. Or suppose that you had voted, in response to requests from people who urged upon you their local needs, for the establishment of McDowell County in 1858 as a separate unit of local government. You might have been officially obligated in 1859 and 1861 to give your respectful attention to two petitions, each from more than a hundred residents of the new county. The first complained at length and without any effort to use a soft pedal that the commissioners appointed to select a proper site for the county seat "have failed to discharge the duties assigned them," that this failure had produced "great annoyance" among the citizens of the county, and that residents of other counties who owned land in McDowell had interfered deplorably in the affairs of the new county. The second petition began with an accusatory exclamation: "We have been in a state of disorganization ever since we were stricken from Tazewell County." Its bitter, explosive charges spoke of "a palpable fraud," of "much agitated and intense feeling," of a "determined purpose" on the part of certain scoundrels "to thwart the action of the Legislature."

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[3] For some information about this problem in several Western Virginia counties, with particular reference to Ohio County, see William M. E. Rachal, "Matrimony in Isolation, or, Who Will Marry Us?" *Virginia Cavalcade*, vol. II, no. 4 (Spring, 1953), pp. 36-39.

A somewhat similar sense of outrage involving less local issues was conveyed by a petition from Berkeley County received in Richmond in December, 1781, less than two months after the surrender at Yorktown of redcoat enemies who had overrun Eastern Virginia almost at will through the previous ten months. The Berkeleyites gave assurance that they had "chearfully paid all Taxes since the Commencement of War." They had seen their wheat, beef, clothing, and tobacco requisitioned. They were "still willing & ready to contribute chearfully to the Support & Dignity of Government, when called upon in a Constitutional Manner." But they had heard that the General Assembly had given to the Governor extraordinary powers under the excuse of Virginia's dire emergency. Citizens of Berkeley County understood this news to mean that the Governor could "force from us our Horses; our Cattle; our Crops; and Family Provisions." The citizens of Berkeley were, of course, "greatly Alarmd, & Astonishd, at an Arbitrary Power" that might leave "us Nothing that we can call our Own," that "Saps the foundation of all Property," that had been usurped, that was "entirely foreign to the Constitution," that was thought by some, indeed, to be "Subversive of Government" itself. And, once the petitioners had teed off with such drives as these, they played the game of criticism with unflagging zest through a long course, taking shots along the way at the low buying power of Virginia's paper currency and at various other evils or imagined evils of the day.

Perhaps it was a good thing that the citizens of Berkeley County could work off some steam in those times that tried men's souls. The right of petition can serve as a safety valve. And doubtless it was a good thing for elective representatives in Richmond to learn by means of the burning words dispatched to them from Berkeley County what people there were hearing and what they were thinking. But I am grateful that Virginians exercised the right of petition so freely chiefly because we are permitted as a result to learn so much more than we could otherwise know about them, their economy and society, their contested elections, their strivings for education and banks and roads and prohibition or intoxicants, their resistance against every injustice they experienced or fancied that they were being expected to endure.

The Virginia State Library invites you to investigate more freely the inner recesses of such latent wealth, not yet properly mined by research workers. The institution's staff operates within usual limitations, cannot do the digging for you and cannot always do as much even of the prospecting as you would like, but does keep the doors open more than eight hours daily except Sundays. Those of you who wish to understand better either your local development or our joint heritage will be welcome indeed.

Dated Petitions from Counties Later Incorporated into West Virginia Received by Virginia's General Assembly and Now Preserved in the Virginia State Library

County	County Formed	Number of Years of Existence as a Virginia County	Number of Petitions
Barbour	1843	20	62
Berkeley	1772	91	263
Boone	1847	16	14
Braxton	1836	27	41
Brooke	1797	66	201
Cabell	1809	54	133
Calhoun	1856	7	5
Clay	1858	5	0
Doddridge	1845	18	24
Fayette	1831	32	65
Gilmer	1845	18	59
Greenbrier	1778	85	224
Hampshire	1754	109	340
Hancock	1848	15	27
Hardy	1786	77	112
Harrison	1784	79	535
Jackson	1831	32	75
Jefferson	1801	62	265
Kanawha	1789	74	275
Lewis	1816	47	203
Logan	1824	39	65
Marion	1842	21	149
Marshall	1835	28	95
Mason	1804	59	118
McDowell	1858	5	2

Mercer	1837	26	31
Monongalia	1776	87	276
Monroe	1799	64	144
Morgan	1820	43	61
Nicholas	1818	45	93
Ohio	1776	87	409
Pendleton	1788	75	55
Pleasants	1851	12	6
Pocahontas	1821	42	40
Preston	1818	45	247
Putnam	1848	15	34
Raleigh	1850	13	14
Randolph	1787	76	183
Ritchie	1843	20	46
Roane	1856	7	2
Taylor	1844	19	57
Tucker	1856	7	0
Tyler	1814	49	128
Upshur	1851	12	29
Wayne	1842	21	33
Webster	1860	3	0
Wetzel	1846	17	25
Wirt	1848	15	20
Wood	1798	65	236
Wyoming	1850	13	3
Yohogania	1776	10*	9
Totals		1,974	5,533

* This county existed only during 1776-1786. When the boundary line between Virginia and Pennsylvania was surveyed, most of Yohogania County became a part of the latter; the small remainder was added to Ohio County, Virginia.